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C O N F I D E N T I A L TEL AVIV 005932

SIPDIS

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TAGS: PGOV PHUM IS ISRAELI SOCIETY GOI INTERNAL

SUBJECT: THREAT OF LEGAL APPEAL, PUBLIC CRITICISM COMPEL AG
MAZUZ TO SUPPORT RE-EXAMINING OCTOBER 2000 POLICE
INVESTIGATION

REF: TEL AVIV 5848

Classified By: Political Counselor Norman Olsen for reasons 1.4 (b,d).

1. (C) Summary: Israeli-Arab political and advocacy leaders reacted with cautious optimism -- and some suspicion -- to the Justice Ministry Police Investigative Department's (PID) September 28 announcement that it will re-examine the investigation of police officers involved in the October 2000 killings of 12 Israeli-Arab and one Palestinian protestors. In a press interview September 29, Attorney General Meni Mazuz, who was involved in making the decision, admitted that the decision to reopen the investigation was in response to an inevitable legal challenge to the High Court and harsh public criticism that has been mounting since the September 18 decision by the Police Investigation Department (PID) to close the cases. Mazuz's statements came just 10 days after he publicly supported the PID decision to close its investigation into the killings without requesting indictments of any of the police officials involved. End Summary.

Mixed Israeli-Arab Reaction

2. (C) Mohammed Bashar, Mayor of the Israeli-Arab city of Sakhnin, told Poloff September 29 that the PID's decision to reopen the case was correct, and "necessary for the good of all of Israel, for democracy and for justice." He asked rhetorically how it could happen in a democracy that 12 Israeli citizens are killed by police and no one is held accountable. Israeli Arab Higher Follow Up Committee Chairman Shawki Khatib and the advocacy NGO Adalah, however, questioned whether justice could be delivered through a re-examination of cases by the same officials who initially decided to close the cases, and asked that the inquiry be undertaken by an independent commission. Even harsher were reactions from Israeli-Arab MKs. MK Ahmed Tibi called for the dissolution of the PID, and MK Azmi Bishara referred to Mazuz's September 28 decision as "a PR exercise."

3. (C) Jafar Farah, director of the Mossawa Advocacy Center, indicated to Poloff September 29 that he welcomed the decision to re-open the investigation, but noted that it "was expected" since Mazuz is interested in avoiding a legal challenge. He said he believes that the GOI also acted out of fear that confrontations between Israeli-Arab demonstrators and the police could erupt during demonstrations that began September 29 in the Arab city of Um al-Fahm and will continue through October 1 to mark the five year anniversary of the October 2000 police killings. (Note: To date, the demonstrations have been peaceful.) Mayor Bashar voiced views similar to those of Farah on the reasons behind the PID's September 28 decision -- which it took in consultation with Mazuz -- but disagreed that the GOI fears police confrontations. He said, rather, that it was the influence of the community that caused the PID and Mazuz to reconsider. The anniversary marches will take place in Sakhnin on October 1.

4. (C) Farah said that he expects the re-examination to take about one year and that the MOJ will decide to recommend indictments against two police officials. He asserted that enough evidence exists to indict two additional officers, and said he expects that an appeal to the high court will eventually compel the MOJ to recommend indictments in those cases. Consistent with Farah's analysis, a September 30 article in the major daily Yedioth Ahronoth reported that unspecified "senior legal sources" (Note: likely from the MOJ) assessed September 29 that "two cases in which the Orr Commission recommended that police officers be indicted would be reopened and go to court." It named Guy Reif and Rashed Murshid as the two officers likely to be indicted in those cases.

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JONES